

REMARKS

Applicant has reviewed and considered the Office Action mailed on November 24, 2004, and the references cited therewith.

No claims are amended, canceled, or added. Claims 1-7 and 21-30 have been withdrawn from consideration. As a result, claims 8-20 are now pending in this application.

Interview Summary

Applicants' representative Dana LeMoine conducted a telephone interview with Examiner Carol S. W. Tsai on November 19, 2004. Applicant's representative records the interview as follows:

- (A) No exhibits were shown, nor any demonstration conducted.
- (B) Claims 1-30 was discussed.
- (C) No prior art was discussed.
- (D) Agreement was reached, and claims 8-20 were elected as a result of a restriction requirement.
- (E) No arguments were presented to the examiner.
- (F) The Office Action mailed 11/10/04 was discussed.
- (G) Agreement was reached that errors existed in the Office Action mailed 11/10/04, and that a supplementary Office Action would be mailed to replace the Office Action mailed 11/10/04.

Affirmation of Election

Restriction to one of the following groups of claims was required:

- I. (Claims 1-7)
- II. (Claims 8-20)
- III. (Claims 21-30)

As provisionally elected by Applicants' representative Dana LeMoine on November 19, 2004, applicants elect to prosecute claims 8-20. Claims 1-7 and 21-30 are hereby withdrawn.

§102 Rejection of the Claims

Claims 8-14 were rejected under 35 USC § 102(e) as being anticipated by Casper et al. (U.S. Patent No. 6,621,323), hereinafter referred to as the “the Casper reference,” or “Casper.” Applicants respectfully submit that the Casper reference does not qualify as prior art under 35 USC § 102(e). The inventive entity in the instant application is identical to the inventive entity in the Casper reference, and therefore the Casper reference is not “by another” as required in 35 USC § 102(e). Accordingly, applicants respectfully request that this rejection be withdrawn.

An “Ochiai” reference is referred to in the discussion of claims 9-14. Applicants respectfully submit that no Ochiai reference has been identified in the Office Action, and that use of this reference in the rejection under 35 USC § 102(e) is improper.

§103 Rejection of the Claims

Claims 15-20 were rejected under 35 USC § 103(a) as being unpatentable over Casper et al. (U.S. Patent No. 6,621,323) in view of Hendrickson et al. (U.S. Patent No. 5,276,678). As described above, the Casper reference does not qualify as prior art. Accordingly, applicants respectfully request that this rejection be withdrawn.

An “Ochiai” reference is referred to in the discussion of claims 15-20. Applicants respectfully submit that no Ochiai reference has been identified in the Office Action, and that use of this reference in the rejection under 35 USC § 103(a) is improper.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants’ attorney (952-473-8800) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-2359.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/603,374
Filing Date: June 25, 2003
Title: ON-DIE WAVEFORM CAPTURE
Assignee: Intel Corporation

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Dkt: 80107.016US1

Respectfully submitted,

BRYAN K. CASPER ET AL.

By their Representatives,

Customer Number: 45445
Phone Number: (952) 473-8800

Date 1-24-05

By Dana B LeMoine
Dana B. LeMoine
Reg. No. 40,062

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of January, 2005.

MEREDITH MESCHER

Name

Meredith Mescher

Signature

IN THE DRAWINGS

Enclosed are nine sheets of formal drawings. No amendments have been made. No new matter has been added.